

AN ORDINANCE 100149

APPROVING AND AUTHORIZING THE EXECUTION OF THE CONSENT TO ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT (INCORPORATING ESTOPPEL CERTIFICATE) OF THE LEASEHOLD INTEREST OF HIGHLAND HOSPITALITY, L.P., A DELAWARE LIMITED PARTNERSHIP, THE CURRENT LESSEE, TO HH LC PORTFOLIO, L.L.C, (A WHOLLY OWNED SUBSIDIARY OF HIGHLAND HOSPITALITY CORPORATION) TO USE THE CITY OF SAN ANTONIO-OWNED GERMAN-ENGLISH SCHOOL, LOCATED AT 421 S. ALAMO STREET, TO ALSO INCLUDE A CONSENT TO A SUBLEASE FROM HHS TRS OP, L.L.C., TO HHC TRS LC PORTFOLIO, L.L.C., ANOTHER WHOLLY OWNED SUBSIDIARY, OF HIGHLAND HOSPITALITY CORPORATION, IN CONNECTION WITH REFINANCING THAT INVOLVES THE PLAZA SAN ANTONIO – A MARRIOTT HOTEL.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, Interim City Manager, and his designee are authorized and directed to execute and deliver all instruments necessary or convenient to consent on behalf of the City of San Antonio to an Assignment and Assumption of Lease Agreement (Incorporating Estoppel Certificate) of the Leasehold Interest of Highland Hospitality, L.P., a Delaware Limited Partnership, the current Lessee, to HH LC Portfolio, L.L.C, (a wholly owned subsidiary of Highland Hospitality Corporation) to use the City of San Antonio-owned German-English School, located at 421 S. Alamo Street, and further to consent to a sublease from HHS TRS OP, L.L.C., to HHC TRS LC Portfolio, L.L.C., another wholly owned subsidiary, of Highland Hospitality Corporation, in connection with refinancing that involves the Plaza San Antonio – a Marriott Hotel.

SECTION 2. The proceeds of this agreement shall be deposited into Internal Order 224000000001 entitled "Property Disposition".

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, the Interim City Manager or the designee of either, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

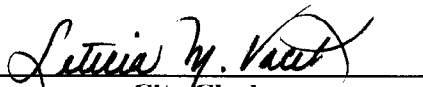
SECTION 4. This ordinance shall become effective December 26, 2004.

PASSED AND APPROVED this 16th day of December, 2004.

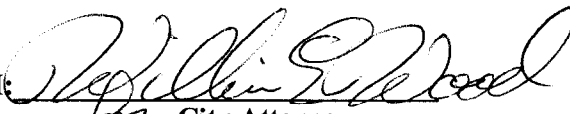


M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney